

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

United States

v.

Case No. 06-cr-42-01-SM

Thomas Lavery

ORDER

Re: Document No. 47, Assented to Motion to Continue Sentencing.

Ruling: Denied. This case is over three years old. The court previously advised the parties that no further continuances would be granted absent extraordinary circumstances. Defendant was allowed the last continuance to facilitate his testifying in a prosecution in Florida in April of 2009. This latest (5<sup>th</sup>) request simply posits that he might testify with respect to sentencing issues in this court in cases related to his, but those sentencing hearings could themselves be continued. Three years is far too long to resolve federal criminal charges. Extraordinary circumstances have not been shown. As government counsel recognizes, if defendant's post-sentencing cooperation warrants a motion for additional modifications to his sentence, Rule 35 provides an appropriate mechanism.



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Steven J. McAuliffe  
Chief Judge

Date: May 1, 2009

cc: Mark A. Irish, AUSA  
Lawrence A. Vogelman, Esq.  
U.S. Marshal  
U.S. Probation